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PATENT  
ATTORNEY DOCKET NO. 56100-5002-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Allen C. SPRADLING et al

Application No. 09/358,937

Group Art Unit: 1632

Filed: July 23, 1999

Examiner: J. T. Voitach

For: METHOD FOR MAINTENANCE AND PROPAGATION  
OF GERMLINE STEM CELLS USING MEMBERS OF  
THE TGF- $\beta$  FAMILY OF GROWTH FACTORS

MAIL STOP AF  
Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**NOTICE OF APPEAL TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated April 9, 2003, rejecting the following claims 1, 2, 4-8, 11-18, 23-31, 33, 35-49 and 51.

1. Extension of Time

[X] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

[X] The Commissioner is authorized to charge the appeal fee of \$330.00 to Deposit Account No. 50-0310.


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3. Constructive Petition

[X] **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:   
Erich E. Veitenheimer  
Reg. No. 40,420

Dated: October 9, 2003

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